

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

HEUBEL MATERIAL HANDLING, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 4:10-CV-00102-DGK
)	
UNIVERSAL UNDERWRITERS)	
INSURANCE COMPANY,)	
)	
Defendant/Third-Party Plaintiff,)	
)	
v.)	
)	
THE RAYMOND CORPORATION, and)	
LIBERTY MUTUAL INSURANCE CO.)	
)	
Third-Party Defendants.)	

ORDER DENYING UNIVERSAL’S MOTION TO STRIKE

This lawsuit is a declaratory judgment action to determine which party is responsible for providing insurance coverage for a lawsuit currently pending in the District of Kansas, *Harris v. Heubel Material Handling, Inc.*, No. 6:09-CV-1136-EFM. Now before the Court is Defendant/Third-Party Plaintiff Universal Underwriters’s (“Universal”) Motion to Strike Third Party Defendant Liberty Mutual Insurance Company’s Statement of Additional Controverted Material Facts and Argument Premised Upon Them (doc. 228). Because the Court has held in a separate order that Universal has no duty to defend or indemnify Heubel against the *Harris* claim, the Court holds there is no longer any live dispute between Universal and Liberty, and so this motion is DENIED AS MOOT.

IT IS SO ORDERED.

DATE: March 21, 2012

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT